

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT S. BOGGESS,

Plaintiff,

v.

BEAUMONT SERVICES COMPANY, LLC.,

Defendant.

Case No. 10-15051

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff filed this action against his employer, Beaumont Services Company, LLC., alleging the following causes of action: Count I, disparate treatment in violation of the ADA, 42 U.S.C. § 12111 *et seq.*; Count II, disparate treatment in violation of Michigan's Person With Disabilities Civil Rights Act, Mich. Comp. Laws Ann. 37.1101 *et seq.*; Count III, hostile work environment in violation of the ADA, 42 U.S.C. § 12111 *et seq.*; Count IV, hostile work environment in violation of Michigan's Person With Disabilities Civil Rights Act, Mich. Comp. Laws Ann. 37.1101 *et seq.*; Count V, retaliation in violation of the ADA, 42 U.S.C. § 12111 *et seq.*; and Count VI, retaliation in violation of Michigan's Person With Disabilities Civil Rights Act, Mich. Comp. Laws Ann. 37.1101 *et seq.*

Counts I, III, and V give rise to federal question jurisdiction under 28 U.S.C. § 1331. The remainder of Plaintiff's Complaint alleges causes of action based solely on state law. In order to avoid jury confusion, the court will decline to exercise supplemental jurisdiction over the state law claims. *See* 28 U.S.C. § 1367(c); *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); and *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, it is hereby **ORDERED** that Counts II, IV, and VI are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: February 8, 2011

I hereby certify that on February 8, 2011, a copy of this order was served upon counsel of record using the ECF system.

s/William Barkholz
Case Manager